
OLR Bill Analysis

HB 5513

AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW BY NOTARIES PUBLIC.

SUMMARY:

This bill prohibits a notary public from offering or providing legal advice in immigration matters, or representing someone in immigration proceedings, unless the notary public is (1) an attorney admitted to the Connecticut bar or (2) authorized by federal regulations to practice immigration law or represent people in immigration proceedings (see BACKGROUND). The law already generally prohibits the practice of law by people not admitted to the state bar.

The bill also prohibits a notary public from assuming, using, or advertising the title of notario or notario publico (see BACKGROUND) unless he or she (1) is an attorney admitted to the Connecticut bar or (2) indicates in an advertisement or otherwise provides written notice that he or she is not a state-licensed attorney.

Under the bill, any notary public who violates these provisions is deemed to have violated the prohibition on the unauthorized practice of law and is subject to the penalties that apply to unauthorized practice.

By law, the unauthorized practice of law is a Class C misdemeanor, subject to a fine of up to \$500, up to three months' imprisonment, or both. These penalties do not apply to someone who (1) is an admitted member in good standing of the bar of another state or other specified jurisdictions and (2) within the scope of his or her employment, gives legal advice to his or her employer or its corporate affiliate.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Related Federal Regulations***

Federal regulations allow nonprofit religious, charitable, social service, or similar organizations established in the United States and recognized as such by the Board of Immigration Appeals to designate one or more representatives to represent people in immigration matters. The organization must establish to the board's satisfaction that it (1) makes only nominal charges and does not assess excessive membership dues for people it assists and (2) has adequate knowledge, information, and experience. Regulations specify how organizations may apply for such recognition, how the board may withdraw recognition, how recognized organizations may apply for accreditation of persons of good moral character as their representatives, and related matters (8 C.F.R. § 292.2).

Notario Publico

In many Spanish-speaking countries, a "notario publico" is authorized to perform certain services that in the United States are reserved to lawyers (Office of the Connecticut Secretary of the State, Notary Public Manual, pg. 14).

Related Bills

sSB 829, reported favorably by the Judiciary Committee, generally increases the penalty for the unauthorized practice of law and makes other changes to the unauthorized practice statute.

HB 6443, reported favorably by the General Law Committee, establishes various contract requirements for certain non-attorney immigration services providers.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (03/13/2013)